

Hot Issues

NA

Upcoming Public Events

NA

Upcoming Major Decisions

NA

Last Week's Highlights

Drinking Water Mapping Application to Protect Source Waters 2.0 Now Available

- **Brief description:** EPA has released an update of the [[HYPERLINK "http://epamap37.epa.gov/dwmaps/"](http://epamap37.epa.gov/dwmaps/)] (DWMAPS) 2.0.
 - DWMAPS is an online mapping tool that helps state and utility drinking water professionals, in concert with other state and local mapping tools, to update their source water assessments and protection plans.
 - The general public, watershed protection groups and source water collaboratives can also use DWMAPS to locate drinking water providers, potential sources of contamination, polluted waterways, information on protection projects and source water collaborative initiatives in their area.
- **Who benefits or cares:** State and utility drinking water professionals and the general public
- **Why this is important:** The application provides real-time updates from data sources and improves interactivity within EPA's GeoPlatform and with users' own data.
- **Additional information:**
 - The [[HYPERLINK "http://intranet.epa.gov/gis/geoplatform.html"](http://intranet.epa.gov/gis/geoplatform.html)] is a shared, EPA technology and governance framework, which combines a community of expertise with a suite of geospatial tools, data and Web services. The GeoPlatform facilitates coordination and consolidation of mapping activities, application development and data management across the Agency.

New Technical Solution – Password Self-Service (PSS) Console

- **Brief description:** On **Monday, April 10, 2017**, to improve customer experience and increase network security, OEI launched the SecureAuth Password Self-Service (PSS) Console.
 - This new service is available at [[HYPERLINK "https://pss.epa.gov"](https://pss.epa.gov)].
 - PSS gives EPA employees and contractors the ability to change their password and unlock their account without Help Desk assistance from outside the EPA network.
- **Who benefits or cares:** All EPA Government and Contractor Employees, EZ Tech Help Desk technicians
- **Why this is important:** In FY2016, the EZ Tech Help Desk reset **1,673** passwords and unlocked **122** accounts. This new console will assist with reducing the number of calls placed to the IT Help Desk, and will also reduce downtime for employees changing their password remotely or unlocking their account as a result of too many failed password attempts.

**Region 1
Weekly Report
4/13/17**

Hot Issues

Region 1 holds productive discussions with NH and VT leadership

- On April 12, Acting Regional Administrator Deb Szaro and members of Region 1's leadership team met with leaders of environmental agencies in NH and VT to coordinate on a number of issues.
- Discussions with NH included rollout of the new municipal stormwater (MS4) permit, including EPA workshops to help communities prepare; state legislation to study delegation of the NPDES program; EPA/state efforts to help New Hampshire communities address nutrient issues; joint efforts to address PFOA/PFOS concerns; continued progress on SIPs; and state concerns over potential cuts in EPA grants.
- Discussions with VT included coordination on the state's upcoming issuance of NPDES permits to implement the Lake Champlain phosphorus TMDL; the state's plan to issue a number of stormwater permits this year; and state concerns about potential cuts to FY17 funding.

Update: Conservation Law Foundation appeals dismissal of Massachusetts stormwater suit

- On April 7, the Conservation Law Foundation (CLF) filed a [[HYPERLINK "https://insideepa.com/sites/insideepa.com/files/documents/apr2017/epa2017_0724.pdf"](https://insideepa.com/sites/insideepa.com/files/documents/apr2017/epa2017_0724.pdf)] with the 1st Circuit. The appeal challenges the District Court's dismissal of a mandatory duty suit, which had sought a ruling that certain categories of stormwater were required to obtain NPDES permits.
- CLF argued that EPA's approval of TMDLs identifying these sources as contributors to violations of water quality standards requires these properties to obtain NPDES permits (i.e., "residual designation").
- EPA argued that residual designation of stormwater sources is exercised via an express determination, not implicitly through the approval of a TMDL. The district court's decision is important because it preserves EPA's (and NPDES-authorized states') discretion with respect to regulation – or not – of currently unregulated stormwater discharges.

Upcoming Public Events

None this week.

Upcoming Major Decisions

None this week.

Last Week Highlights

Clean Air Act Administrative Consent Agreement Signed by the U.S. Navy (Cutler, Maine)

- To comply with the Clean Air Act, the U.S. Navy has installed emissions controls on four large diesel-powered engines which generate electricity at its Naval Computer and Telecommunications Area Master Station, Atlantic Detachment, in Cutler, Maine. The Navy has also agreed to pay a penalty of \$811,000.
- The Clean Air Act's hazardous air pollutant regulations require that engines of this size have add-on emission controls by May 2013, but the Navy failed to install the controls by the required date. After an EPA inspection and issuance of a Notice of Violation, the Navy installed controls.
- The Navy's failure to timely install emissions controls led to excess emissions of 28 tons of diesel-related hazardous air pollutants. In a Consent Agreement and Final Order, the Navy has agreed to comply with the Clean Air Act regulations and pay a penalty of \$811,000.

- As this matter involves a Department of Defense facility, the state deferred to EPA in this action. The Region closely coordinated with Maine DEP, including involving them in inspections.

Order on Consent Entered into to Resolve Bridgewater, MA NPDES Permit Appeal

- The Town of Bridgewater, Massachusetts has dropped its appeal of an EPA-issued NPDES permit and has agreed to install nutrient controls at its wastewater treatment plant within the next 10 years.
- On September 30, 2016, Region 1 issued an NPDES Permit to the Town of Bridgewater, regulating discharges from its WWTP. The Town filed a petition for review with the Environmental Appeals Board seeking review of the Permit's effluent limits for nitrogen and phosphorus.
- On April 6, 2017, EPA entered into an administrative order on consent with the Town in which it agreed to a \$31 million upgrade to its WWTP to meet nitrogen limits in five years and meet phosphorus limits in 10 years.
- Although the NPDES program is implemented by EPA in MA, MADEP co-signs NPDES permits. MADEP participated in the negotiations and supports this settlement.

American Public Health Laboratories journal highlights methods developed by Region 1 lab to detect human sources of bacteria

- The Winter 2017 issue of a journal published by the American Public Health Laboratories highlights field and lab methods developed by Region 1's Laboratory to detect and track human sources of bacteria in surface water.
- A major source of harmful bacteria is aging urban sewer infrastructure that can discharge to storm drains, nearby surface waters, and beaches. The new protocols have been used throughout New England, and in Boston Harbor alone have eliminated the discharge of over 68 million gallons of raw sewage annually.
- EPA Region 1 has shared these state-of-the-art monitoring and technology tools with our states across New England.

OECA
WEEKLY REPORT
4/13/17

HOT ISSUES

Edwards Air Force Base Federal Facility Dispute – For Awareness and Potential Future Action

(UPDATE from last week): The Senior Executive Committee (SEC) for the Edwards Air Force Base CERCLA dispute will not meet on April 26, 2017. The Air Force requested the meeting be postponed due to a scheduling conflict, and while Region 9 is working to re-schedule, a new date has not yet been set. The SEC, which includes the Acting Regional Administrator (RA) for Region 9, and her counterparts at the Air Force and California, was to meet to try and resolve the dispute regarding PCE cleanup levels at Edwards AFB, which is a step in the formal dispute resolution process set forth in the Federal Facility Agreement for the cleanup at the site. If there is not agreement at the SEC level, the RA will issue a decision, which parties can appeal to the Administrator. OECA and the Region have prepared a one-page briefing paper that provides background on this matter.

UPCOMING PUBLIC EVENTS

ASTSWMO Mid-Year Meeting: On April 26-27, OECA's cleanup enforcement program will meet with the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) to discuss implementing the cleanup requirements (Corrective Action) that are statutorily mandated by the Resource Conservation and Recovery Act (RCRA). The discussions will explore federal and state tools for getting human exposures under control, groundwater migration controlled and final cleanups implemented and sustained at RCRA hazardous waste facilities. Specific enforcement strategies will be presented to address facilities that are "stuck" in the cleanup process. Enforcement, in concert with robust communication and coordination with the states, has proven to be critical to move cleanup forward at some of the RCRA facilities.

UPCOMING MAJOR DECISIONS

*Case-specific deadlines are noted in our Daily Enforcement Report to Ryan Jackson.

LAST WEEK'S HIGHLIGHTS

City of Tyler, Texas Consent Decree: On April 11, the consent decree between the City of Tyler, Texas and plaintiffs (US and State of Texas) was entered by the U.S. District Court (E.D. Texas). The settlement resolves the City of Tyler's violations for frequent discharges of raw sewage to waters of the United States and failure to prevent sanitary sewer overflows through proper operation and maintenance of its system. Raw sewage discharges can result in the release of harmful pollutants, including disease causing organisms, metals and nutrients that threaten human health and water quality. The City will implement a proactive operation and maintenance program and a comprehensive assessment of its sanitary sewer system to identify defects and deficiencies that may lead to sewage overflows. The consent decree requires the City to repair or replace all sewer pipe segments and

manholes that have been identified as likely to fail or cause sewage overflows. The City will pay a civil penalty of \$563,000 and all remedial measures must be completed within the next 10 years.

Peterson/Puritan Superfund Site, Rhode Island: On April 11, the United States and Rhode Island filed a Motion to Enter a Consent Decree in federal district court with nearly 100 parties to address areas (groundwater, surface water and sediments) of the Peterson/Puritan Superfund site that are contaminated with volatile and semi-volatile organic compounds, heavy metals, asbestos, PCBs, and polyaromatic hydrocarbons. The parties will be performing the work (valued at \$40 million) and will pay EPA oversight costs. All public comments received on the Consent Decree support the settlement and cleanup of the Site.

Beech-Nut Nutrition Site, New York: On April 12th, EPA issued an Order to Beech-Nutrition Company (Beech-Nut) and its demolition company to perform CERCLA cleanup work at the Beech-Nut Nutrition site in New York. The cleanup includes removal of piles of asbestos-containing material at the Site (projected to cost \$2-3 million). Beech-Nut sold the site property at a significantly reduced value, knowing that structures containing friable asbestos would need to be removed prior to being demolished.

RIN Credits Criminal Sentencing: On April 7, the owner of a biofuel company was sentenced in the Southern District of Ohio to 60 months of incarceration (three years supervised release), restitution and a fine for conspiracy and obstruction violations associated with his role in a scheme that generated over \$6 million in fraudulent tax credits and EPA renewable fuels credits (RINs) connected to the purported production of biodiesel fuel. The Federal Investigative Case Team consisted of EPA, the IRS, and the FBI, and state and local law enforcement assisted during the execution of search warrants.

Clean Water Act Criminal Sentencing: On April 10, the owner of a waste hauling company was sentenced in the Central District of California to five years of probation for knowingly violating the Clean Water Act when he dumped 11,000 gallons of waste water into the San Gabriel River. The City of Santa Fe Springs spent nearly \$750,000 cleaning up the waste. This case was investigated by the City of Santa Fe Springs Fire Department, the City of Santa Fe Springs Police Department, the Los Angeles Department of Public Works, the California Department of Toxic Substances Control, and EPA's Criminal Investigations Division.

Region 2
Weekly Report
4/13/17

Upcoming Hot Issues and Important Deadlines

- CAA Consent Decree (CD) with Paulsboro Refining Company to be lodged in district court during week of April 17 or week of April 24. The CD resolves alleged violations at 3 steam-assisted flares at the company's Paulsboro, NJ petroleum refinery, causing excess, preventable emissions of hazardous air pollutants. The company agreed to achieve early compliance with federal regulations applicable to petroleum refinery flares and pay a \$180,000 civil penalty.

Upcoming Major Public Events – None planned next week.

Past Week Accomplishments

- On 4/11/17 Region 2 issued an administrative order to compel actions to correct conditions at the Toa Alta landfill in Puerto Rico that present an imminent and substantial endangerment to public health and the environment (previously reported).
- CERCLA Consent Decree entered on 4/10/17 for Curtis Specialty Papers Superfund Site. The NJ district court entered a CD covering remediation of groundwater contamination at this site. The settling parties -- International Paper Cop., Georgia-Pacific Consumer Products LP, and Milford Redevelopment LLC -- will design and implement the site remedy (estimated cost = \$1.2 M); reimburse EPA \$1.1 million in past costs; and assign to EPA rights to recover up to \$1.1 million more from a bankrupt former site owner.
- On 4/10/17 Region 2 granted the request of Energy Answers Arecibo, LLC for a five-month second extension of its Clean Air Act PSD permit to construct a waste-to-energy facility in Puerto Rico (previously reported). Reps. Nydia Velasquez (NY) and Luis Gutierrez (IL) had previously urged EPA not to grant this extension, which has been opposed by some groups in PR. Rep. Gutierrez strongly criticized EPA for granting the extension.
- Superfund removal action order issued 4/13/17 for Beechnut Site in NY. At New York State's request, EPA ordered Beech-Nut Nutrition Co. and B&B Recycling LLC to abate significant threats posed by friable asbestos at this Canajoharie, NY site. The order requires removal of outdoor asbestos-laden debris piles created during prior building demolitions, and securing asbestos located on exterior walls of numerous buildings at this 29-acre abandoned site.
- On 4/13/17 Region 2 met with representatives of several environmental groups regarding our forthcoming Five Year Review of the Hudson River PCBs Superfund site remedy. A representative of Southern Saratoga County Chamber of Commerce (CoC) also attended. The environmental groups urged EPA *not* to find that the remedy remains protective; the CoC representative urged that the Champlain Canal be dredged to enable commercial traffic (this is not within EPA's jurisdiction, but is within the State's jurisdiction). As previously reported, EPA expects to make public its finding that the remedy *is* still protective on 4/24/17. On 4/7/17 EPA shared a draft of the Review document with our federal agency partners, the Fish & Wildlife Service and the National Oceanic and Atmospheric

Administration, and our state partner the New York State Department of Environmental Conservation.
(Previously reported; briefing for Chief of Staff scheduled for 4/14.)

OARM
Weekly Report
4/13/17

Hot Issues

National Honor Awards Board Meeting

National Honor Awards Board is responsible for considering and selecting the nominees for the National Honor Awards each year and is scheduled to meet on April 27, 2017. The National Honor Awards comprise the highest form of recognition the Agency bestows on its best and brightest employees.

Next Steps: The final 2016 EPA National Honor Awards recommendations will then be forwarded to the Administrator for review and decision.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week Highlights

Arthur S. Flemming Award Winner

For more than six decades, the Arthur S. Flemming Awards have recognized outstanding men and women in the federal government. Recognized by the President of the United States, agency heads, and the private sector, the winners are selected from all areas of the federal service. Under the sponsorship of The Trachtenberg School of Public Policy and Public Administration at the George Washington University in Washington, D.C. and in partnership with the Arthur S. Flemming Awards Commission, the Arthur S. Flemming Award is one of the most prestigious awards for service in the federal government. Its purpose is to:

- recognize outstanding and meritorious achievement in working for the federal government;
- encourage the highest standards of performance in the federal service;
- enhance appreciation of our form of government and the opportunities and responsibilities that it presents; and
- attract outstanding individuals to a career in federal service.

This year, one EPA employee is receiving the Arthur S. Flemming award. Dr. Blake Schaeffer, from the Office of Research and Development, is being recognized for his vision and leadership of a collaborative research partnership between EPA, NASA, NOAA, and USGS to create the Cyanobacteria Assessment Network (CyAN), which harnesses satellite earth observations and translates it into knowledge on harmful algal blooms to inform public health

and environmental decisions. He also developed a mobile application to disseminate this satellite information on whether waterbodies are safe for drinking and recreation. CyAN takes advantage of big data being acquired for other purposes to assist in management resource allocation during bloom events that may involve significant risk to the public.

OARM coordinated the Flemming awards process for the agency. This year EPA submitted two nominees. Eligibility is restricted to individuals currently engaged in federal government service and who have served 3-15 years.

Last year, two EPA employees received Arthur S. Flemming Awards. Dr. Gayle Hagler, Office of Research and Development, initiated the Village Green Project, a community-based research effort to demonstrate real-time air monitoring technology, engage the public to learn about local air quality, and collect high-quality data for research. Elliott Zenick, Office of General Counsel, led the legal team for the EPA's Clean Power Plan to control greenhouse gas emissions from power plants.

Maxiflex Schedule

OARM began a series of Maxiflex training webinars for HQs employees and managers, which are scheduled throughout the remainder of April 2017. Maxiflex work schedule is available to EPA, non-bargaining unit employees within the Washington, D.C. commuting area during the Washington Metropolitan Area Transit Authority SafeTrack Rehabilitation Program. Maxiflex is a type of flexible work schedule that allows work to be completed by employees in fewer than 10 workdays in a biweekly pay period, with more flexibility than compressed work schedules.

Next Steps: The Maxiflex schedule will be an available option to HQs employees, pending approval by first line supervisors, starting on May 1, 2017.

Leadership Action Plan (Webinar)

OARM hosted webinars on April 10th & 12th to discuss the First Line Supervisor Advisory Group's Leadership Action Plan. The LAP was developed following the group's participation in the National Executive Leadership Development Conference, which brings together SES' from across the Agency, at which they discussed 3 areas:

- Supporting first line supervisor needs
- Developing a leadership cadre
- Developing an SES cadre

Region 5
Weekly Report
4/13/17

HOT ISSUES:

Air Enforcement Case Against Indiana Whiskey Distillery (Lawrenceburg, Ind.) – Enforcement Confidential – For Internal Use Only

Key Message: Region 5 will brief Indiana Senator Joe Donnelly’s staff this week regarding alleged air violations stemming from MGPI of Indiana’s construction of multiple whiskey aging warehouses in Lawrenceburg, Ind., near the Kentucky border.

Region 5’s December 2016 Notice and Finding of Violation (NOV/FOV) alleges that MGPI of Indiana violated the Clean Air Act Nonattainment New Source Review (NNSR) provisions of the Indiana State Implementation Plan. In 2015 and 2016, the company built multiple whiskey alcohol aging warehouses without a state permit. These facilities emit more than 1,000 tons per year of volatile organic compounds. Region 5 is concerned that due to these emissions, Lawrenceburg area will struggle to attain and/or maintain attainment with the Ozone NAAQS. Region 5 is currently considering the feasibility of the emission limit contained in Rule 4695 of the California SIP as the lowest achievable emission rate, as required by the NNSR provisions for this source.

At the request of Senator Joe Donnelly’s staff, Region 5 has scheduled an April 13 staff level briefing to discuss the aspects of the case.

EPA and WDNR coordinate on investigations of Mid-American Barrel (aka “Greif”) facilities, Milwaukee, Wis. – Enforcement Confidential - For Internal Use Only

Key Message: EPA is working with the Wisconsin Department of Natural Resources to investigate the Mid-America Steel Drum facilities in and around Milwaukee to ensure safety and protect public health. EPA, in consultation with WDNR, will determine what enforcement steps, if any, are appropriate.

In late February/early March, Region 5 air, RCRA and EPCRA staff inspected three Mid-American Barrel (also known as Container Life Cycle Management LLC, owned by Greif, Inc.) facilities in and around Milwaukee, Wisconsin. The inspections were prompted by inquiries from local and federal elected officials following a February 15, 2017, article published in the Milwaukee Journal Sentinel. WDNR, and U.S. DOT also participated in the inspections, and we continue to coordinate closely with them and with OSHA, which also has an open investigation at the facilities. WDNR has also opened investigations of the sites.

EPA’s RCRA inspectors observed what appeared to be staged or rehearsed activities at the facilities. Civil investigators from EPA’s Office of Regional Counsel experienced symptoms of illness that they believe may have resulted from being inside and outside homes while conducting interviews with nearby neighborhood residents. Planning for additional inspections is underway.

EPA, IDEM, City Coordination on Replacing Lead Services Lines in East Chicago, Ind.

Key Message: EPA will work closely with the city and state regarding completed cleanups on properties and which properties have basements. EPA will provide IDEM and the city with any additional information that they seek.

The City and IDEM have reached an agreement to separate lead service line replacement work from the EPA's soil remediation in zones 2 and 3 of the USS Lead Superfund site. As soon as a contractor is selected, the city and state will begin replacing lines at properties that have already been remediated or that don't require remediation.

EPA continues to sample and monitor Burns Waterway and Lake Michigan following Tuesday's chemical Spill in Portage, Ind.

Key Message: EPA emergency responders continue to sample and monitor the waterway and Lake Michigan this week following U.S. Steel's April 11 report that its Portage, Ind., facility had released hexavalent chromium to the waterway. So far, EPA sampling not detected hexavalent chromium from the spill in Lake Michigan. On Wednesday, U.S. Steel reported to EPA that its release was stopped at the source. It is still not known how much has been spilled.

EPA took roughly 100 additional samples Wednesday. Results from this testing will be shared with a large number of Chicago and Indiana media outlets that are covering the story. The nearest local water company (Indiana American Water) will keep its water intake closed and will not reopen it until at least Monday. The National Park Service will continue to keep four beaches along the Indiana National Lakeshore closed while sampling continues. The City of Chicago has begun conducting sampling at its water intake to provide a baseline for any future samples taken that contain hexavalent chromium.

EPA continues to work closely with the Indiana Dept. of Environmental Management, the City of Portage, the water company and NPS. EPA will continue to provide updates on its website: [https://\[HYPERLINK "http://response.epa.gov/USSteelHexavalentChrome" \]](https://response.epa.gov/USSteelHexavalentChrome)

UPCOMING EVENTS:

EPA acting regional administrator to participate in Flint mayor's April 18 press conference to announce city's selection of long-term primary and back-up drinking water sources

Key Message: Robert Kaplan will voice EPA's support for Mayor Weaver's recommendation that the city remain on GLWA water.

The mayor's announcement kicks off a public participation process before the city makes its final decision on water sourcing. The city has scheduled an April 20 town hall meeting in Flint.

UPCOMING MAJOR DECISIONS

NONE

PAST WEEK ACCOMPLISHMENTS:

NONE

Hot Issues

Paducah Gaseous Diffusion Plant (Paducah, KY)

Key Message: On April 19, 2017, the Acting Region 4 Administrator, the Kentucky Secretary for Energy and Environment, and the Department of Energy (DOE) Site Manager will meet to identify avenues for environmental improvement at the Paducah facility.

- Region 4 and the Kentucky Department of Environmental Protection (KY DEP) continue to work through challenges related to site-wide prioritization of cleanup actions under the Federal Facility Agreement.
- At issue is to initiate immediate cleanup based on EPA/KY DEP recommendations or allow DOE to engage in a more extensive characterization process absent cleanup activities until 2025.

Staff Level Hill Visits

Key Message: On Tuesday April 18, 2017, Region 4's Office of Governmental Relations staff will conduct meetings with the legislative staff for new members of the Region 4 congressional delegation (Florida and Tennessee). The primary goals of the meetings are to introduce Region 4 staff, provide an overview of the regional office and establish a working relationship between the offices.

- Florida: Neil Dunn (District 2), Al Lawson (District 5), Stephanie Murphy (District 7), Darren Soto (District 9), Val Demings (District 10), Charlie Crist (District 13), Brian Mast (District 18), Francis Rooney (District 19)
- Tennessee: David Kustoff (District 8)

Upcoming Public Events

Earth Day Activity with the City of Atlanta

Key Message: On April 20, 2017, Region 4 will participate in the annual cleanup activity in a park within the City of Atlanta.

Middle Georgia Clean Air Coalition (MGCAC) Meeting with Region 4

Key Message: On April 20, 2017, MGCAC will meet with the Acting Region 4 Administrator in Atlanta to discuss clean air activities under EPA's "Advance Program" including tax revenue/environmental benefits of renewable energy projects, along with other MGCAC efforts to reduce emissions.

- This meeting serves as a prequel to a meeting during the week of April 24, 2017, between Senator Johnny Isakson (GA), the MGCAC, and Administrator Pruitt.

EPA Southeast DOD/Military Installation Workshop and Regulatory Update

Key Message: On April 24-25, 2017, EPA Region 4 will host a meeting in Atlanta that will bring together DOD representatives from across the Southeast to meet with EPA to discuss areas of interest to military installations.

- Topics under consideration for this year's meeting include Air, Water, Hazardous Waste/RCRA, and NEPA program issues.

Upcoming Major Decisions

2012 PM2.5 Designations for Tennessee

Key Message: The final rulemaking designating the remaining undesignated areas in Tennessee as unclassifiable/attainment for the 2012 PM2.5 NAAQS is routing for Administrator signature.

Upcoming Actions

Coronet Industries (Plant City, FL)

Key Message: Region 4's Superfund Program is completing action to transfer responsibility for oversight of the PRP-lead cleanup to the Florida DEP. The former phosphate rock mine and chemical plant has been addressed for the last several years using EPA's Superfund Alternative Approach (SAA).

- A cleanup agreement has been negotiated between Florida DEP and the former owners/operators: Coronet Industries, Inc.; Hexion, Inc.; and CEMEX Materials, LLC.
- A meeting is planned for April 18, 2017, at the Region 4 office to review the FDEP-Coronet Cleanup Agreement Document (CAD), AOC amendment to close-out the RI/FS, and 122(h) Settlement Agreement for past costs. Representatives of all parties will attend, including FDEP, OECA, DOJ, and the PRPs.
- A community briefing is planned for May 1, 2017, near the site in Plant City, Florida.

Last Week Highlights

None

Region 7
Weekly Report
4/13/17

Hot Issues

Update on Toastmasters Superfund Site

Key Message: R7 is conducting additional vapor mitigation and settlement agreement activities at the Toastmasters Superfund Site in Macon, Missouri.

- R7 is engaging the current owner to conduct additional vapor mitigation activities within the facility which is addressed in a signed Administrative Settlement Agreement and Order on Consent (ASAOC) for the site.
- R7 staff will meet with the current owner on site the week of April 17, 2017, to discuss elements of a work plan to add vapor mitigation units to reduce the concentrations of TCE in the indoor air; and discuss other actions which may reduce indoor air concentrations in the interim and review Compton's procedures to ensure employees are being informed.
- R7 continues to negotiate a second ASAOC with the former owner Spectrum Brands to delineate the source and plume of TCE contamination and to recommend removal alternatives.

Update on Vapor Intrusion TCE Exposures at Commercial Properties in Ogallala, Nebraska

Key Message: R7 is addressing exposures to TCE at commercial buildings and exploring options to address the health threat.

- R7 has recently detected TCE in indoor air at three commercial buildings in Ogallala.
- One building is an office space with administrative bank employees, the county area development authority, and a chiropractic clinic. The second building is an auto parts store and the third building is a local restaurant. All are in the vicinity of the OU 1 contaminant plume at the Ogallala Groundwater Contamination Site.
- Based on consultation with R7 risk staff and ATSDR, we have determined that exposures to TCE are occurring, posing a potential risk to workers and visitors at the subject establishments.
- Mitigation in some form will be necessary. It is not yet clear how many more properties may have elevated TCE and/or require mitigation.
- R7 conducted another round of indoor air sampling during the week of April 10, 2017, to further define the extent of impact.
- The PRPs are unwilling to perform VI mitigation, and R7 is exploring other options to address the health threat.

Upcoming Public Events

Children's Health Outreach at Delaware Ridge Elementary School for Earth Day

Key Message: On April 21, 2017, R7 staff will attend an Earth Event at Delaware Ridge Elementary School in Kansas City, Kansas.

- R7 will provide a variety of activities to increase the students' awareness of waste reduction and recycling, reducing pesticide exposure, and hazardous clean-up.
- R7's participation is part of a "Celebration of Learning" all-school activity.

Upcoming Events

Missouri Superfund Site Tour

Key Message: On April 17 – 19, 2017, R7 Acting Administrator and the R7 Superfund Director will go on a R7-conducted informational tour of Superfund sites in Missouri and meet with staff of the Missouri congressional delegation who represent the St. Louis area.

- The tour will include stops at the West Lake Landfill Site, Carter Carburetor, and several large lead sites in southeast Missouri.
- The Kansas City District Corps of Engineers and Missouri Department of Natural Resources will participate in the West Lake Landfill site visit.
- The trip will also include a meeting with the Missouri Congressional delegation on April 18, 2017.

Brownfields Meetings in Waterloo and Dubuque, Iowa

Key Message: On April 18 –19, 2017, R7 will hold a series of meetings and tours with the cities of Waterloo and Dubuque, Iowa.

- On April 18, R7 will hold a Brownfields Assessment Cooperative Agreement kickoff meeting with employees and officials from the city of Waterloo and will tour Brownfields success projects in Waterloo with the Mayor.
- On April 19, R7 will hold a Brownfields Assessment Coalition Cooperative Agreement kickoff meeting with East Central Intergovernmental Association in Dubuque to discuss their grant workplan and outcomes from recent community training and engagement.
- In addition, on April 19, R7 will meet with the city of Dubuque employees to discuss their ongoing Area Wide Planning, Assessment and Cleanup grant, tour completed projects, and learn of connections to future redevelopment of the Peoples Natural Gas Superfund site.

Last Week Highlights

Ken Wagner Visit to R7

Key Message: On April 10, 2017, R7 hosted Ken Wagner with meetings with senior leadership.

- R7 provided Ken an opportunity to learn about our state partnerships, enforcement and compliance assistance, Clean Air Act non-attainment areas and water infrastructure challenges.
- Ken also toured R7's Science and Technology Center and Training and Logistics Center.

Regional Tribal Operations Committee Meeting

Key Message: On April 12 –14, 2017, R7 hosted the RTOC Quarterly Meeting.

- The RTOC quarterly meeting provides an opportunity to train our tribal partners on effective grants management.
- This meeting included an opportunity for R7 to present our agenda for the year which can include: divisional priorities, funding, resources and collaboration opportunities.

- Eight of the nine R7 Tribes will attend the meeting to include: environmental directors, tribal council and technical staff.
- R7 Acting Regional Administrator and senior leadership team attended and presented at the meeting.

R7 Attended York City Council Meeting

Key Message: On April 12, 2017, R7 and state and local partners met to discuss status of contamination sites in York, Nebraska and related outreach activities.

- These regular meetings have been instrumental in developing and maintaining a relationship with local officials and community members.
- The meeting was an open discussion about the status of the sites and any upcoming community outreach activities.

R7 Attended Big Rivers Task Force Spring Meeting Held in Columbia, Missouri

Key Message: On April 12 – 13, 2017, R7 attended the Big Rivers Task Force (BRTF) Spring meeting in Columbia, Missouri to present information on community involvement activities and Superfund technical assistance tools available to the community.

- The BRTF is made up of state and federal agencies with responsibilities for remediation and restoration in the Big River Watershed: Missouri Department of Natural Resources, Missouri Department of Conservation, U.S. Fish and Wildlife services, Missouri Department of Health and Human Services, U.S. Department of Health and Human Services, U.S. Army Corp of Engineers and the EPA.
- R7 staff spoke at two different sessions during the meeting.

OCFO
Weekly Report
4/13/2017

Hot Issues

- N/A

Upcoming Public Events

- We are beginning to plan for the public rollout of the FY 2018 President's Budget Proposal. OMB has not, however, announced a definite date for the announcement beyond stating mid-May. We have heard informally that the release date may slip to the week of May 21st.

Upcoming Major Decisions

- N/A

Last Week Highlights

- In collaboration with OARM, OCFO issued FY 2017 closeout guidance on April 10. OCFO and OARM also issued Continuing Resolutions guidance, which gave the agency guidance on awards for FY 2017, on April 12.

Other

- Consistent with OMB's April 12 reform and workforce planning guidance, we are finalizing EPA's *FY 2016 Annual Performance Report* and *FY 2018 Annual Performance Plan* for review prior to submission to OMB on April 25.
- During a Working Capital Fund Board meeting on April 12, the Board deferred funding actions for FY 2018 IT services/ capital assets totaling \$226.7M. In an effort to establish priorities an analysis of service levels, contract options and potential funding levels will be conducted in line with the IT/IM Strategic Plan.
- Next week, we will convene a Core Team to develop a straw framework for the FY 2018-2022 Strategic Plan. We expect to engage Agency senior leadership for review in May. Note: EPA's draft strategic framework is due to OMB on June 30, and is expected to align with the Agency's reform plans and workforce reduction plan, which are also due to OMB on June 30.

OITA
Weekly Report
4/13/17

Hot Issues/Decisions

Regulatory Reform Outreach – In response to the memo on implementation of Executive Order 13777, Enforcing the Regulatory Agenda, OITA is soliciting input from tribal governments and organizations. In coordination with EPA's Regulatory Steering Committee, National Program Offices and Regions, OITA has taken the following steps on tribal outreach:

- Developed notice/flyer announcing the National Tribal Outreach call on April 24, which will be open to all tribal governments and organizations;
- Emailed the notice to tribal environmental directors, National Tribal Caucus, and Regional Tribal Operations Committees;
- Mailed by letter the notice to the leaders of the 567 federally recognized tribes in the U.S.;
- Posted the notice in the Tribal Consultation Opportunities Tracking System which has 857 tribal contacts;
- Posted the notice in OITA's American Indian Environmental Office tribal web portal;
- Requested Headquarters Indian Coordinators to send the notice to tribal media partnership groups;
- Requested Region 10 Regional Indian Coordinator to send the notice to all Alaska Native Corporations.

European "Dieselgate" Inquiry Committee - On April 4th, the European Parliament voted in support of the final report and most of the recommendations of its "Dieselgate" Inquiry Committee. EPA experts testified in front of the Inquiry Committee last year. No EPA action is required, but wanted to inform you of the EU recommendations/actions.

- The recommendations urged more effective testing procedures, more stringent standards and regulations, and stronger consumer protections (including compensation) at the EU level; and stronger enforcement and enhanced market surveillance by EU Member States.
- The European Commissioner for Industry and Growth, who is responsible for oversight of vehicle emissions regulation and testing, expressed strong support for the Committee recommendations.
- The Commissioner also expressed concern about the lack of cooperation and unimproved behavior from European car manufacturers in the aftermath of the VW emissions scandal.
- The recommendation to establish an independent European agency to monitor efforts by EU Member States did not receive support of the Parliament or European Commission and was not included in the final report.

Upcoming Engagements

- None

Last Week Highlights

National Tribal Caucus/ECOS Meeting – The Executive Officers of the National Tribal Caucus and Environmental Council of States, along with Commissioners from Texas and Montana, Acting OITA AA and Acting RA for Region 8, met on April 7 to discuss environmental priorities and explore opportunities to work together to strengthen the federal/state/tribal partnership.

- NTC Chair Evaristo Cruz mentioned the NTC meeting with the Administrator and your interest in working with tribes on water infrastructure and Superfund remediation.
- ECOS Chair John Stine mentioned the importance of having tribes at the table to broaden the discussion of solutions, noting that when tribes do not have the capacity or resources it affects neighboring air quality and water quality.
- ECOS and NTC representatives discussed the importance of engaging with the tribes and agreed to exchange state policies/best practices for formal and informal tribal consultation.
- ECOS and NTC representatives discussed the value of including a tribal perspective on relevant ECOS panel discussions, and also including a state perspective at NTC meetings.

**Region 10
Weekly Report
April 13, 2017**

Hot Issues

Government Accountability Office Visit to Alaska April 17-24: The GAO is conducting a national review of coordination of federal drinking water and wastewater infrastructure assistance programs serving Indian communities. The review is focused on the federal agencies that provide drinking water and wastewater infrastructure assistance to tribes through various means including Indian Health Service, EPA, US Department of Agriculture – Rural Development, Housing and Urban Development, Bureau of Indian Affairs, the Army Corps. The GAO is looking at these agencies’ activities nationally and in more detail within six states (AZ, AK, CA, NY, OK, and SD). The GAO will be visiting four rural Alaskan villages followed by meetings with various federal and state agencies in Anchorage.

Announcement of Westward Seafoods Clean Air Act Settlement, Dutch Harbor, AK: In coordination with the Office of Public Affairs, Region 10 will issue a news release next week announcing the lodging of this proposed settlement for public comment. As reported last week, Region 10, DOJ and Westward Seafoods have reached a Clean Air Act settlement for violations at Westward’s Captains Bay seafood processing plant in Dutch Harbor, Alaska. The State of Alaska is also party to the settlement. The alleged violations include failure to use air pollution controls for oxides of nitrogen from three generators and related monitoring, recordkeeping and reporting required by the company’s CAA permits. These failures also violated a 2010 Consent Decree. The settlement includes a penalty of \$1,300,000 and plant upgrades and mitigation projects totaling \$1,137,680.

Upcoming Public Events

Umatilla Tribe (Oregon) Visits Region 10 Laboratory: During the week of April 17, the Region 10 Laboratory will host two scientists from the Confederated Tribes of the Umatilla Indian Reservation. Tribal scientists will visit the lab to learn about methods and instrumentation for the analysis of metals in environmental samples in order to develop the tribes’ own capabilities for this analysis at their facility. Region 10 has also offered to share SOPs to assist in their mobilization activities. It’s exciting to see a Region 10 tribe mobilizing these methods, which require substantial capital and manpower commitment.

Spokane River Regional Toxics Task Force Meeting, April 26, Spokane WA: In response to a specific request, representatives from EPA Region 10, EPA headquarters and the Washington Department of Ecology will meet with the taskforce to hear their concerns about inadvertently-generated PCBs and the associated impacts to the Spokane River. The meeting will begin a dialog about ways to reduce the ongoing generation of PCBs and issues surrounding “inadvertent” production of PCBs in new products despite the 1979 ban on these compounds.

Puget Sound Federal Action Plan - Upcoming Regional Leaders Meeting: Region 10 is hosting a Puget Sound Federal Task Force Regional Leaders meeting on April 20th. The Puget Sound Federal Task Force includes nine agencies charged with implementing the Interim Federal Action Plan adopted in January 2017. The plan describes overarching priorities of habitat protection and restoration, storm water management and shellfish

bed protection and improvements. The leaders will report on the progress to date under the plan and discuss the path forward, including coordination with the Puget Sound National DC Task Force.

Upcoming Major Decisions

Public Notice of a draft NPDES Permit for Midnite Mine, near Spokane, WA: Region 10 has drafted an NPDES permit for the discharge of treated wastewater from the Midnite Mine Superfund Site located on the Spokane Indian Reservation in eastern Washington State. *The Region plans to announce a 45-day public comment period on April 20th and host a public hearing in May.* The Mine Site includes a former open pit uranium mine, associated waste rock piles, seep collection and pump back facilities, and a water treatment plant. The mine ceased operation in September 1981 and since that time, water has collected in the two open pits on the site. The Superfund Record of Decision directing the cleanup of the site requires this discharge permit. The discharge occurs within the boundary of the Reservation where EPA is the NPDES permitting authority. The Tribe has reviewed the permit and has provided a draft CWA 401 Certification that tribal water quality standards will be met by issuance of the permit.

Superfund Assessment of Lead Contamination at Gilmore Town Site, Idaho: Region 10's site assessment team is seeking access to properties at the Gilmore Townsite in order to collect soil samples to determine the extent of lead contamination in this developing residential area. Historic mining has left uncontrolled tailings piles in the area and runoff and windblown dust from the piles has resulted in very high levels of lead in surface soils. Initial soil samples have been as high as 32,000 parts per million. Region 10 is coordinating closely with Idaho DEQ, BLM, Idaho Department of Health and County Commissioners as the process moves forward, and IDEQ staff will be participating in the soil sampling once access agreements are signed.

Providing Coverage under the NPDES Pesticide General Permit in Idaho: Pesticide applicators in Idaho have recently begun submitting Notices of Intent (NOIs) to receive coverage under EPA's October 2016 reissued Pesticide General Permit. Approximately 20 percent of the permittees are anticipated to apply for permit coverage in areas containing Endangered Species Act species. The National Marine Fisheries Service will provide EPA with a list of best management practices for permittees to minimize the likelihood of adverse effects to listed species or designated critical habitat. Receiving timely NPDES coverage is a high priority for users, particularly mosquito control districts who often have to apply on short notice in order to address potential public health concerns.

Last Week Highlights

Successful Brownfields Meeting in Fairbanks, AK: As reported last week, on April 11th, Region 10 staff participated in a meeting in Fairbanks with community organizations and state and federal agencies to begin working together on the redevelopment of the Polaris Building in downtown Fairbanks. The group received an overview and history of the Polaris Building and surrounding area, and learned about the community's vision for revitalizing the downtown area. The group discussed partnerships to help realize the vision. Representatives from the Governor's office and U.S. Senators Murkowski and Sullivan also attended. The City of Fairbanks and their partners were encouraged to apply for EPA assistance through various programs including Brownfields grants or technical assistance.

OCSP
WEEKLY REPORT
April 13, 2017

HOT ISSUES AND IMPORTANT DEADLINES

Clearing the TSCA New Chemicals Backlog

TSCA New Chemical Determinations				
Determination Type	Pending on 4/05/2017	Pending on 4/12/2017	Determinations Completed* as of 4/05/2017	Determinations Completed* as of 4/12/2017
# of "not likely" determinations	-	-	78	79
# of §5(e) Orders signed by both EPA and the submitter	-	-	126	139
# of §5(e) Orders signed by EPA and awaiting submitter signature	56	44	-	-
# of cases in Order development process	337	332	-	-
# of cases flagged for in-depth review	105	104	-	-
# of PMNs awaiting FOCUS (within 90- or 30-day review)	42	49	-	-
# of LVE/LOREX exemption grants			229	230
# of LVE/LOREX exemption denials			187	188
Total number of cases	540**	529**	620	636
Backlog	240	229	-	-

* Determinations Completed” means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

** Of these cases, approximately 300 cases are the normal active workload for the New Chemicals Program.

OCSP and OCIR met with Senate EPW staff on April 13, 2017 to discuss the new chemicals program, and efforts underway to clear the backlog of chemicals. New program staff on detail from around the Agency continue their training, and we expect the pace of new chemicals reviews to continue to increase.

Comment periods for TSCA Section 6 Rules

In response to stakeholder requests, OCSPP will be moving to re-open the dockets on two of its proposed Section 6 rules in order to allow stakeholders more time to comment. For chemicals with risk assessments completed prior to the TSCA Amendments, the law authorizes EPA to promulgate rules targeted to the specific uses included in those risk assessments. The dockets for Trichloroethylene's (TCE) use in commercial vapor degreasing, and for the use of two chemicals (n-methylpyrrolidone (NMP) and methylene chloride) in paint removers will be opened for an additional 30 days.

Draft Biological Evaluations for Carbaryl and Methomyl for Public Comment

On Tuesday April 18, 2017, OCSPP will release for public comment the draft biological evaluations analyzing the nation-wide effects of carbaryl and methomyl on endangered species. Next Step: Following comment, OCSPP will finalize the evaluations and provide them to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for their use in issuing biological opinions. The Services are subject to a settlement agreement deadline to issue biological opinions on these pesticides by December 31, 2017.

UPCOMING PUBLIC EVENTS

April 19 – OCSPP Acting Assistant Administrator Wendy-Cleland Hamnett will meet with a bipartisan group of Senate staff to provide an update on TSCA Reform Implementation activities.

April 20 - Wendy will be providing a keynote address on TSCA implementation to the Grocery Manufacturers Association's Annual Science Forum in Washington, DC. The audience is expected to be a mix of scientists, consumer safety, and regulatory professionals who work across the food, beverage and consumer product goods industry.

April 24 – OCSPP's Office of Pollution Prevention and Toxics will host a public meeting to discuss regulatory reform opportunities related to regulations issued under authority of the Toxic Substances Control Act; the Residential Lead-Based Paint Hazard Reduction Act; the Formaldehyde Standards for Composite Wood Products Act; and the TRI portions of the Community Right-to-Know Act. Specifically, we are soliciting input from stakeholders to help identify those regulations that might be appropriate for regulatory reform, i.e., for consideration to be repealed, replaced or modified.

May 1 - OCSPP will host a webinar to obtain feedback on the 2016 Chemical Data Reporting (CDR) process and requirements. EPA is reaching out to submitters to find new ways to reduce the reporting burden for the next cycle. The CDR rule requires manufacturers (including importers) to provide EPA with information on the production and use of chemicals in commerce in large quantities. EPA collects basic exposure-related information on the types, quantities and uses of chemical substances produced domestically and imported into the United States every four years. For the 2016 reporting cycle, 2,635 companies reported.

May 4 – Regulatory Reform Meeting. OCSPP's Office of Pesticide Programs will host a public meeting on Thursday, May 4, 2017, during the second day of the Pesticide Program Dialogue Committee (PPDC) meeting. The purpose of the meeting is to receive feedback from stakeholders on regulatory reform opportunities involving the regulations governing pesticide registration and registration review activities. A FRN announcing the public meeting will be published in advance.

UPCOMING DECISIONS

Issuance of Final Bed Bug Test Guideline – During the week of April 24, OCSPP expects to issue the bed bug test guideline. This guideline provides recommendations to registrants for the design and the execution of laboratory studies that test the performance/efficacy of pesticide products intended to repel, attract, and/or kill bed bugs. The pesticide industry requested that EPA develop this guideline. A draft of this guideline was peer-reviewed by the FIFRA Scientific Advisory Panel (SAP). Advice received from the SAP and comments received from the public have been incorporated into this final guideline. Legislation reauthorizing the Pesticide Registration Improvement Act (PRIA) requires that this guideline be issued by September 30, 2017.

Registrant Request for Approval to Use Dicamba Treated Soybean Seed

In November 2016 EPA issued new tolerances for Monsanto's recently registered dicamba soybean seed products. The EPA previously allowed Monsanto to produce the seed, however without the tolerances in place the seeds could not be used for food/feed. Monsanto has seed that was produced under this previous restriction and it is therefore illegal to use for food/feed and has approached the agency on potential use of the seed given the recent tolerance action. OCSPP is drafting a determination under FIFRA that the use of the seed, although not covered by the current registration, is still consistent with purposes of the Act. A positive determination would allow the grain to be released into commodity channels, preventing unnecessary destruction of grain. The authority to make this final determination is reserved to the Administrator and we expect to send the formal recommendation to you for your approval during the week of April 17th.

OCIR
Weekly Report
4/21/17

- *Upcoming Hot Issues and Important Deadlines*

- **April 2017-National Priorities List (NPL) Rollout**

- *Upcoming Events*

- **Week of April 17** – Notification on overall results of WIFIA Letter of Interest open period w/ OW
- **April 19** – Cong. Peters (CA) and Vargas (CA) meeting on Tijuana River and New River w/R9
- **April 19** – SEPW staff briefing on TSCA reform progress w/OCSP

- *Past week accomplishments*

- **Monday, April 10** Provided CBO technical assistance on cost estimates for
 - S. 518, the “Small and Rural Community Clean Water Technical Assistance Act,” a bill to amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works;
 - S. 692, the “Water Infrastructure Flexibility Act of 2017;” a bill to provide for integrated plan permits, to establish an Office of the Municipal Ombudsman, to promote green infrastructure, and to require the revision of financial capability guidance, with an amendment in the nature of a substitute; and
 - S. 675, the “Long Island Sound Restoration and Stewardship Act,” a bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship
- **Monday, April 10** We resolved a constituent issue for Representative Chaffetz which allowed a museum to permanently acquire a vehicle on a temporary permit to be in the U.S.
- **Wednesday, April 12** Resolved an issue with Rep. Culberson’s (TX) staff regarding a constituent trying to import 2 motorcycles into the U.S. from Saudi Arabia.
- **Wednesday, April 12** The proposed rule signed by Administrator Pruitt on April 4 to approve the TN request to use standard gasoline, as opposed to less volatile and lower Reid vapor pressure (RVP) gasoline during the summer months was published in the Federal Register: [[HYPERLINK](https://www.federalregister.gov/documents/2017/04/12/2017-07399/relaxation-of-the-federal-reid-vapor-pressure-gasoline-volatility-standard-for-davidson-rutherford) "https://www.federalregister.gov/documents/2017/04/12/2017-07399/relaxation-of-the-federal-reid-vapor-pressure-gasoline-volatility-standard-for-davidson-rutherford"]
- **Thursday, April 13** Provided OMB views on the above three bills – S.518, S.692, S.675

- ***Ongoing activities***

- **Monday, April 10 – 21** Congress will be on Spring Recess
- **Monday, April 10 – 21** Ken Wagner, the Senior Advisor to the Administrator for Regional and State Affairs, is visiting Regions 5, 6, 7, 9, 10 and the State of Wisconsin. The Regional Operations team is working with the regions and OA Special Assistants to prepare materials.
- OCIR worked with the Office of Air and Radiation staff to draft written testimony for Administrator Pruitt to submit to the House Energy and Commerce Committee on H.R. 806, Ozone Standards Implementation Act of 2017. Senior management review in the Office of the Administrator is underway. The testimony will then undergo OMB interagency review and be finalized in advance of a committee markup on the bill, which is not yet scheduled.

OLEM
Weekly Report
4/13/17

Hot Issues

1. We are consulting with Region 2 on the **Hudson River Five Year Review**.
2. **National Priorities List**. We are conferring regarding the Spring 2017 NPL package (adding 4 proposed sites and 7 final sites).
3. **CERCLA-EPCRA Animal Waste**. On April 11, a three-judge panel of the D.C. Circuit vacated our 2008 rule on CERCLA-EPCRA reporting requirements for air releases from animal waste from animal feeding operations. We will confer with OGC to assess the opinion and the Agency's options for next steps.

Upcoming Public Events

1. **Risk Management Program**. Our public hearing will be on April 19, regarding the proposal to delay the effective date of the RMP amendments until February 2019. Close to 40 public speakers are pre-registered; additional walk-in registrations will be allowed. Public comments on the proposal are being accepted through May 19, 2017.
2. **SuperJTI**. More than 50 applicants turned out for an opportunity to be selected for the EPA's Superfund Jobs Training Initiative (SuperJTI) program for the USS lead site in East Chicago, Indiana. After completing a series of team building exercises, a physical fitness test, and group interviews, 15 applicants were chosen. The training began on April 10 and concludes on April 27, with a graduation ceremony.

Upcoming Major Decisions

None beside those noted already noted above.

Last Week Highlights

1. **ECOS**. Last week we had a productive meeting with ECOS reps on implementing the WIIN Act's provisions on coal combustion residuals. We briefly outlined the new authorities and interactions with ASTSWMO; ECOS reps will let us know their thoughts on how we can also confer with ECOS.
2. **Omaha Lead**. On April 10, EPA published a partial deletion notice for 294 properties that are part of the Omaha Lead Superfund site in Omaha, Nebraska. This is the site's second partial

deletion; the first occurred in December 2013, when EPA deleted 1,154 parcels.. The contamination affected more than 14,000 residential yards. To date, the cleanup has addressed more than 13,000 properties.

Region 3
Weekly Report
4/13/17

Hot Issues

Region 3 does not have any hot issues to report this week.

Upcoming Major Decisions

Region 3 does not have any major upcoming decisions to report this week.

Last Week Highlights

EPA awarded Dauphin County, PA with \$400,000 worth of brownfields grants that will be used to conduct environmental assessments as a first step to redeveloping vacant lots in the area. The grant money will fund approximately 25 to 30 assessments. The collection of properties looking to be assessed spans seven acres and approximately two city blocks. Some of the land formerly consisted of gas stations and auto repair shops, which necessitated the removal of underground storage tanks prior to redevelopment.

[[HYPERLINK "http://abc27.com/2017/04/05/dauphin-county-commissioners-hope-400k-in-epa-grants-spur-redevelopment/"](http://abc27.com/2017/04/05/dauphin-county-commissioners-hope-400k-in-epa-grants-spur-redevelopment/)]

[[HYPERLINK "http://www.pennlive.com/news/2017/04/you_need_that_first_inviting_s.html"](http://www.pennlive.com/news/2017/04/you_need_that_first_inviting_s.html)]

FEB Liberty Down 17 COOP Table Top Exercise

On April 6, 2017, the Philadelphia Federal Executive Board (FEB) successfully conducted the Liberty Down 17 continuity table top exercise (TTX) with the participation of federal, state and local departments and agencies. EPA Region III, General Services Administration, Army Corps of Engineers and the Federal Emergency Management Agency jointly designed and facilitated the exercise. EPA Region III hosted the exercise which provided over 100 participants from 35 agencies the opportunity to discuss and assess the unique continuity planning considerations of an Improvised Nuclear Devices (INDs) hazard in Center City Philadelphia.

Upcoming Public Events

April 18th

RA Rodrigues is participating in a press event awarding the Hamilton Redevelopment Authority in Harrisburg, PA, with a \$200,000 competitive brownfields grant. The Authority plans to work with the community and other stakeholders to develop an area-wide plan and implementation strategy for the South Allison Hill neighborhood's industrial park.

April 20th

RA Rodrigues is participating in a press event awarding a \$197,500 Brownfields Area-Wide Planning Grant to the City of Wilmington, Delaware. The City will use this grant to develop an area-wide plan and implementation strategies for brownfield assessment, cleanup and reuse. The event will showcase cooperation between federal, state and local government with a focus on the Brownfields program. In the past DNREC received a one million dollar Brownfields Revolving Loan Fund (RLF) Grant from EPA and used those funds to finance cleanups in Wilmington. DNREC used the EPA RLF grant to finance the remediation of five sites in Wilmington. The City of Wilmington also previously received Brownfields Assessment grants in 1997 and 2006.

April 25, 2017

Potential Meeting with Congressman Jenkins and Senator Caputo on Buffalo Mountain Coal Mine/King Coal Highway. Army Corps of Engineers, Federal Highway Administration and others invited.

RA Rodrigues will be attending the Third Annual Mid-Atlantic Agricultural Leaders meeting in Annapolis, Maryland. This is an annual meeting of the Agriculture Secretaries in Region III.

**REGION 8
WEEKLY REPORT
4/13/17**

Hot Issues

Recommendation to Approve North Dakota's UIC Class VI Program

Key Message: By April 14, 2017, Region 8 will send the Acting AA of the Office of Water an updated memorandum recommending that EPA approve North Dakota's Underground Injection Control (UIC) Class VI primacy application.

- Region 8 has confirmed that the North Dakota Industrial Commission (NDIC) has made no changes to its UIC Class VI rules since Region 8 originally recommended approval of the primacy package.
- If approved, NDIC will be the lead agency for the first state Class VI program in the nation to issue UIC permits regulating the long-term storage of carbon dioxide.

Proposed approval of Alternative Final Cover and Site-Specific Rule for City of Wolf Point, Montana, Municipal Solid Waste Landfill

Key Message: Region 8 plans to move forward with publishing a direct final rule and concurrent proposed rule to approve an alternative final cover request for the City of Wolf Point, Montana, Municipal Solid Waste Landfill (MSWLF) located within the boundaries of the Fort Peck Reservation in Montana.

- The city of Wolf Point submitted a request for an alternative final cover for review by EPA and the Assiniboine and Sioux Tribes for the Wolf Point MSWLF located within the boundaries of the Fort Peck Reservation in Montana.
- The EPA has the authority under the Resource Conservation and Recovery Act (RCRA), which has been delegated to the Region 8 Regional Administrator, to approve and promulgate site-specific rules that provide for the use of alternative standards in Indian country.
- Region 8 issued a letter on January 19, 2017, to the Tribes offering consultation and coordination prior to proposing a site-specific rule. The Tribe did not indicate a desire to consult.
- Region 8 coordinated its review with ORCR, OP, the Tribe and Montana Department of Environmental Quality.
- Upon signature by the RA, Region 8 will submit the direct final and proposed rules to the OP for review and release to the Federal Register.

Upcoming Public Events – None.

Upcoming Major Decisions

Craig Power Station Settlement and Regional Haze SIP Action Deadline (first reported on 4/6/17)

Key Message: **Decision needed by OA.** EPA and DOJ are preparing to finalize a settlement agreement with the Craig power station owner, Tri-State Generation and Transmission Association, as well as with the Colorado Department of Public Health and Environment (CDPHE), WildEarth Guardians, and the National Parks Conservation Association. The settlement agreement has been signed by all other parties, but still needs initial EPA signature and completion of the Clean Air Act section 113(g) notice process, before EPA can provide final signature.

- Under this settlement agreement, Tri-State's existing obligation (driven by a 2014 settlement agreement that resolved 10th Circuit litigation) to install selective catalytic reduction (SCR) controls at Craig Unit 1 will be replaced by an obligation to either shut down the unit by the end of 2025 (operating at a 0.28 lb/MMBtu NOx limit until then), or to cease burning coal by August 1, 2021, and convert the unit to natural gas fuel by 2023 (operating at .07 lb/MMBtu NOx limit, starting in 2021).
- The agreement is the result of months of multiparty negotiations that started with a proposal from Tri-State and CDPHE to discuss revising the 2014 settlement agreement as it applied to Craig Unit 1. The company stated at the start of these discussions that its concerns included avoiding the cost of installing the SCR controls that would be required under that previous agreement.
- We have a **June 30, 2017 deadline** (under an extension of a deadline imposed by the 2014 settlement agreement) to act on Colorado's 2015 Craig Regional Haze SIP submission. The company has already announced closure plans that would not be consistent with installing the SCR controls required by the 2015 SIP submission.
- The closer we get to June 30, the closer we will be to violating our current 2014 agreement deadline to act on the 2015 SIP submission. If the new settlement agreement is finalized, the June 30, 2017 deadline will be replaced by a new deadline (driven by the underlying statutory schedule) to act on the state's new SIP submission, which will be due by the end of 2017 and which will supersede the 2015 SIP submission.
- If we miss the deadline there is no automatic consequence, but the environmental litigants might sue to require us to act on the 2015 SIP — which neither the company nor the state wants to happen.

ORD
Weekly Update
4/13/17

Hot Issues

ORD Supporting First EPA Ricin Sample Analysis Capability

[[HYPERLINK "https://en.wikipedia.org/wiki/Ricin"](https://en.wikipedia.org/wiki/Ricin)] derived from castor beans used several times by terrorists in the last several years in the U.S. EPA is establishing in house ricin analytical capability to support future EPA-led ricin cleanups. ORD has been providing technical support for establishing this capability at OLEM's Microbiology Laboratory at the EPA's National Enforcement Investigations Center campus in Lakewood, CO. The laboratory is now equipped with the electrochemiluminescence-based immunoassay detection technology to support analysis of biotoxins such as Ricin, Botulinum, Staphylococcal Enterotoxins, and other biotoxins that could be potentially used as bioterrorism agents. ORD will assist with training on this technology during April 19-20 using the Ricin biotoxin.

"Smoke Sense" App Gives Sensible Guidance on Wildfire Smoke

ORD has developed a new mobile application for people impacted by wildfire smoke. The "Smoke Sense" app provides information on air quality and ways to protect people from smoke exposure. The app collects data to help understand who is exposed to wildfire smoke, the types of symptoms people have that do not require hospitalization, and what people do when there is smoke in their air. The app will be used in a study to determine effective health risk communications strategies to educate people impacted by wildfire smoke. Beta testing began on April 4, and a pilot program will later take place in select states and communities.

ORD meeting with OCSPP OPPT re TSCA

On April 27 and 28, ORD will meet with OCSPP's Office of Pollution Prevention and Toxics regarding ORD's assistance with TSCA pre-prioritization. On April 27th the group will review the TSCA Alternative Testing Strategy Document, and on the 28th they will discuss pre-prioritization efforts.

Upcoming Public Events

EPA continues support of Fukushima cleanup

ORD's Dr. Sang Don Lee has been invited to participate as a subject matter expert at the International Atomic Energy Agency's 3rd consultancy meeting on Environmental Remediation, April 17-21 in Tokyo, Japan. He will provide advice on how to improve the current and future remediation activities associated with Fukushima and to share relevant findings from EPA's research. Dr. Lee will also observe the current state of Japan's activities on remediation, radiation protection and monitoring, recycle/reuse techniques of decontamination material, and stakeholder outreach. The Ministry of Environment Japan estimated the completion of the full-scale decontamination activities by the end of March 2017 and Dr. Lee will have opportunities to learn their lessons regarding wide area remediation and share them with EPA. He was also an invited participant to the previous [[HYPERLINK "https://www.iaea.org/newscenter/news/off-site-environmental-remediation-in-fukushima-continuing"](https://www.iaea.org/newscenter/news/off-site-environmental-remediation-in-fukushima-continuing)] in February and April of 2016.

ORD Webinar on Nutrients

On April 19, ORD will host a monthly *EPA Tools and Resources* webinar on the *Challenging Nutrients Coalition*. The webinar will highlight a number of innovative projects and partnerships underway to help improve nutrient monitoring. Topics include low cost sensors for Nitrogen and Phosphorous and a new challenge to pilot nutrient sensors to address nutrient-related issues. Nutrient management is one of the state-identified priorities from the 2016 ECOS Environmental Research Institute of States' survey.

PFAS Interagency Meeting

During the week of April 17, representatives from EPA (ORD and OLEM) and several federal agencies (NIEHS, ATSDR and FDA) will hold a high-level strategy meeting to further discuss opportunities for the newly-formed Cross-Federal PFAS Toxicity Working Group. Two activities that have been identified for cross-agency participation thus far include: (1) identification of PFAS with the most urgent research needs; and (2) collaboration on replacement PFAS. The working group is under the Chemical Toxicity Assessment Workgroup of OSTP's Subcommittee on Toxics and Risk. The initial strategic meeting that was held on March 28 was attended by 20 scientists representing seven federal agencies.

Net Zero Program Webinar on Lean Path for Military Installations

On April 20th, ORD's Net Zero Program will present a webinar on the program's Lean Path technology demonstration at Fort Jackson, South Carolina. The Net Zero project started in 2011 when EPA began working with the U.S. Army to help advance the Army's goals of net zero water, waste, and energy on military bases. The presentation will be given to representatives from U.S. military installations interested in Net Zero waste, including solid waste program managers and environmental division leaders, and it will highlight the ongoing demonstration pilot at Fort Jackson using the Lean Path food waste tracker and lessons learned from that project so far.

Last Week Highlights

Arthur S. Flemming Award to ORD Scientist

On April 7th we learned that ORD's Dr. Blake Schaeffer will be a recipient of the Arthur S. Flemming Award. The Flemming Awards have been given since 1948 and they honor outstanding federal employees for exceptional contributions to the federal government. Schaeffer was nominated for leading the collaborative research partnership between EPA, NASA, NOAA, and USGS to create the Cyanobacteria Assessment Network (CyAN). This network harnesses satellite earth observations and translates them into knowledge on harmful algal blooms to inform public health and environmental decisions. CyAN is effective because it takes advantage of big data being acquired for other purposes to assist in management resource allocation during bloom events that could involve significant risk to the public. Dr. Schaeffer will receive the Flemming Award at a ceremony on May 24th at the George Washington University in Washington, D.C.

OGC
Weekly Report
4/13/17

Hot Issues

- OGC will brief new non-career employees on FOIA, federal records, and litigation holds on Tues 4/18
- Order dismissing 2003 Title VI complaint regarding a landfill in Tallassee, AL expected next week

Upcoming Public Events in the Next Two Weeks

4/21 Acting General Counsel and Justin to attend annual meeting of attorneys associated with the American Association of Railroads

Upcoming Major Deadlines in the Next Two Weeks

- 4/17 EPA's Reply brief in support of its appeal in *Murray Energy Corporation, et al v. EPA* (4th Cir.), which concluded EPA failed to perform a non-discretionary duty under CAA Section 321(a)
- 4/18 Answer or Stipulation of Dismissal in *Association of Irrigated Residents, et al. v. EPA* (N.D. CA), challenging the agency's alleged failure to grant or deny a petition to object to a proposed Authority to Construct/Certificate of Conformity ("Permit") for a Steam Plant in the McKittrick Oil Field in California
- 4/19 Oral Argument in the DC Cir. on petition for review of the Ozone NAAQS
- 4/21 Proposed briefing schedule due in petition for review of EPA's final rule "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2"
- 4/21 Answer deadline suit by Nucor Steel for EPA to grant or deny petition for objection to Title V Operating Permit issued to Big River Steel
- 4/24 Oral Argument in *Americans for Clean Energy, et al. v. EPA* (DC Cir.). a petition for review of EPA's final rule entitled "Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017"
- 4/25 Request, if any, that DOJ seek rehearing in *Waterkeeper Alliance, et al., v. EPA* (DC Cir.), which vacated the "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms"

- 4/25 Response to motion by the Navajo Nation to amend their complaint in the Gold King Mine litigation to add tort claims
- 4/26 Answer due in *Sierra Club v. EPA* (D. DC), concerning Clean Air Act deadlines related to Commercial, Industrial, and Other Solid Waste Incinerators
- 4/26 Answer in complaint alleging that EPA has failed to respond to a Freedom of Information Act ("FOIA") request concerning EPA employees' use of Signal, an encrypted messaging application
- 4/26 Subpoenaed testimony of Jess Rowland, a former EPA employee, in third-party litigation against Monsanto over Roundup products
- 4/28 Answer in a second complaint alleging EPA failed to respond to a FOIA request concerning EPA employees' use of Signal, an encrypted messaging application
- 4/28 Answer due in complaint challenging EPA's alleged unreasonable delay in responding to a petition for rulemaking seeking EPA promulgation of human health and aquatic life criteria for state of Washington (EPA intends to moot out the case)
- 4/28 EPA response to PANNA's Motion for Further Mandamus Relief in litigation regarding chlorpyrifos, which makes various requests for relief, including an order directing EPA to respond substantively to the original petition

Last Week Highlights

- *Southern California Alliance of Publicly Owned Treatment Works v. EPA* (9th Cir.): In this favorable decision, the court dismissed a challenge to EPA's NPDES permit objection for lack of subject matter jurisdiction. The court found that EPA's objection was merely an interim step in the state permitting process and that in response to our objection the state chose to revise the permit and retain control of permitting process. Hence, appropriate review of the permit would be in state court.
- EPA requested the Department of Justice file a brief urging the Supreme Court not to hear *New Mexico v. Colorado*, an original jurisdiction complaint filed in the Supreme Court related to Gold King Mine
- On April 11, 2017, the DC Circuit vacated the "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms" rule (73 FR 76948, December 18, 2008). The court found that EPA lacked the statutory authority to establish the exemptions and also found that reporting air releases from animal waste "provide benefits, in the sense of furthering the regulatory objectives" – thereby undercutting EPA's primary rationale for the rule that reporting serves no regulatory purpose because a response would be unlikely.

OAR
Weekly Report
April 13, 2017

Upcoming Hot Issues and Important Deadlines

- **Releasing Diesel Emissions Reduction Act (DERA) Request for Proposals:** On Tuesday, April 18th, we will release a RFP for FY2017 DERA funds on Tuesday, April 18th. In the RFP, EPA anticipates awarding at least \$11 million in DERA grant funding, with final awards anticipated late 2017.
- **Updating Web with Current Membership of the Clean Air Act Advisory Committee (CAAAC):** On Tuesday April 18th, we will post on the web the updated membership list for the CAAAC, a Congressionally-mandated federal advisory committee that advises EPA on matters related to air pollution policy and programs. The committee includes representatives of multiple stakeholder groups, including industry, energy sector, state government, local government, tribal government, public interest and environmental, academic, and union organizations.
- **Announcing SmartWay Affiliate Challenge.** As early as April 20, EPA will honor nine stakeholders as exceptional affiliates to the SmartWay program. The SmartWay Affiliate Challenge provides EPA with the opportunity to publicly acknowledge and recognize affiliates that conduct exceptional outreach and educational activities and integrate policies and practices to improve efficiency in the goods movement industry.
- **Oral Argument for Renewable Fuels Standards:** Oral Argument in the 2014-2016 RFS rule litigation is April 24th.
- **Acting on Louisiana's Request to Relax the Federal RVP Standard.** In an April 10th letter to the Administrator, Louisiana requested that EPA "allow the use of 9.0 summertime gasolines through the state of Louisiana." We are following up with Louisiana, and coordinating with OECA and Region 6, on the state's request.

Upcoming External Meetings and Public Events

- **Implementing E.O. 13777:** Pending final approval, by early next week we will be sending out notice of OAR's April 24th teleconference on which we will gather input from stakeholders on specific air and radiation actions that should be considered for repeal, replacement, or modification to reduce regulatory burden.
- **ENERGY STAR Partner of the Year Awards:** On April 26, ENERGY STAR will be convening leading partners for a full day meeting to exchange partnership best practices – an annual tradition since 1993. The capstone of the day is the awarding of ENERGY STAR's 2017 Partner of the Year

Awards, EPA's highest honor for partner contributions to protecting the environment through superior energy efficiency.

- **Announcing Mobile Source Technical Review Subcommittee (MSTRS) Meeting.** We plan to publish a Federal Register notice as early as next week to announce the May 31, 2017, Mobile Source Technical Review Subcommittee (MSTRS) Meeting. The MSTRS is a subcommittee of the Clean Air Act Advisory Committee (CAAAC) and provides the CAAAC with independent advice, counsel and recommendations on the scientific and technical aspects of programs related to mobile source air pollution and motor fuels. The meeting will be held in DC and the agenda likely will include: an update from the Motor Vehicle Emission Simulator (MOVES) Review Workgroup; a presentation on high-performance lubricants; and a presentation on Air Quality Modeling Research.

Upcoming Decisions

- **For Administrator's Signature: Oil and Gas Letter:** We are working with OGC on a letter for the Administrator's signature that, among other things, will announce the Agency's intent to stay for 90 days the compliance date for the fugitive emissions monitoring requirements under EPA's June 2016 oil and gas emission standards final rule.
- **For Administrator's Signature: Waste Isolation Pilot Plant (WIPP) letter:** April 28th is the deadline for the Administrator to sign a letter responding to the 2016 Biennial Environmental Compliance Report (BECR) for the Department of Energy's WIPP. The BECR and the Administrator's response are required by the WIPP Land Withdrawal Act. As currently drafted, the letter conveys EPA's determination that the WIPP was in compliance with applicable federal environmental laws for the period from April 1, 2014 through March 31, 2016. The letter is in the Administrator's office for review.

Recap of the Past Week

- **National Ambient Air Quality Standards (NAAQS) for Oxides of Nitrogen: Final Policy Assessment Document:** EPA posted its final Policy Assessment as the next step in the on-going review of the NO₂ NAAQS. The final Policy Assessment concludes that it is appropriate to consider retaining the current primary NO₂ standards, without revision, in this review. (website: [[HYPERLINK "https://www.epa.gov/naaqs/nitrogen-dioxide-no2-primary-standards-policy-assessments-current-review"](https://www.epa.gov/naaqs/nitrogen-dioxide-no2-primary-standards-policy-assessments-current-review)])
- **Greenhouse Gas Inventory Submittal to the United Nations:** Tomorrow, April 14th, EPA will issue the final Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2015 Report. The report will be submitted (by the State Department) to the United Nations Framework Convention on Climate Change. The report estimates total annual U.S. emissions and removals by source, economic sector, and greenhouse gas going back to 1990.

**Region 9
Weekly Report
4/13/17**

HOT ISSUES

- 1. SAN DIEGO / TIJUANA SEWAGE SPILL: (FYI) next Wednesday, April 19, federal and state agency executives will join me in EPA's Reg. 9 office to review the recently issued International Boundary and Water Commission's report regarding the massive sewage spill from Tijuana to San Diego earlier this year. IBWC Commissioner Drusina, CalEPA Secretary Rodriquez, the Border Environmental Cooperation Commission general manager, the No. American Development Bank, and CA Congressional offices staff plan to participate. Our goal is to agree upon and implement recommendations to improve interagency coordination (notification, response, financing) regarding wastewater/stormwater impacts from Mexico into US waters.**
- 2. ROSEMONT (AZ) COPPER MINE: (FYI) next Tuesday, April 18 in Phoenix, EPA will join the US Forest Service and the Corps of Engineers to discuss water quality and other issues related to the proposed Rosemont copper mine, which we have reviewed under NEPA and CWA. The Forest Service will issue its Record of Decision in May, the Corps its CWA 404 decision some time thereafter. CEQ has been coordinating the multi-agency engagement. I attach a one-page briefing paper and will update Ken W, OW and OECA when EPA decision time nears.**

KEY DECISIONS/ACTIONS: (FYI, no Administrator action sought)

- 1. AQUIFER EXEMPTION (SDWA UIC), KERN COUNTY, CA: next week I'll approve the State of California's request for expansion of an existing SDWA aquifer exemption in the Mt. Poso oil field (Kern County, CA). The state sought the EPA exemption based on the required determination that the aquifer doesn't serve as a drinking water source now or in**

the future, due to the presence of oil in the aquifer. This is our fourth approval in recent months, following a very prompt and thorough technical review in under 60 days.

2. **APPROVE ARIZONA REGIONAL HAZE SIP:** next week I plan to sign a Federal Register notice approving the Arizona Regional Haze State Implementation Plan. This action provides an alternative to best available retrofit technology for the Coronado Generating Station, and proposes to withdraw the Regional Haze Federal Implementation Plan for Coronado.
3. **COACHELLA OZONE:** next week I plan to sign a Federal Register notice giving final approval of the Coachella Valley (So. California) plan to attain the 1997 ozone standard.

HIGHLIGHTS OF THE PAST WEEK

1. **PBF REFINERY (CAA 112r):** following our issuance of our CAA 112 r Notice of Findings, we met this week with the company. PBF has taken ownership of many of our findings and made changes. There were a few instances in which they thought we just needed more information to be assured of their compliance. In other areas, they acknowledged a gap or deficit in their program and were in the process of identifying ways to fix them. The principal area of disagreement relates to the required analysis of a worst-case scenario, and the accompanying “offsite consequences analysis” of a potential hydrofluoric (HF) acid release. Use of HF is significant, it’s the foremost community issue, and is not easily replaced. We will continue to engage with the company and involve OLEM in future discussions.
2. **BAY AREA EMISSIONS BANKING RULE:** we received an extension of the consent decree deadline from May to November, which may suffice to enable the Bay Area Air Quality Management District to make the needed permit rule revisions for full EPA approval.
3. **Thanks to Ken Wagner** for a very pleasant and informative visit last Tuesday. We covered many topics and set the agenda for his return. All our materials are on the ORO sharepoint site.

PUBLIC EVENTS

Brownfields / City of Phoenix, AZ: (FYI) on April 19th and 20th we’ll participate in two Brownfield events in Phoenix, to celebrate completion of 171,640 sq ft industrial warehouse space on a 10-acre brownfields property where the Phoenix Police Department leases 43,200 sq ft . EPA provided \$350K in 2000, working with partners (AZ Dept.of Environmental Quality, the City of Phoenix, and private industry) to remove over 6,000 tons of waste from an abandoned metal salvage yard in this EJ community. The second event will celebrate the completion of the Quincea Working Group Food Hub, which will provide a significant influx of freshly harvested food products into the South Phoenix community, a USDA-designated Food Desert. Quincea will educate and train community members on

nutrition and cooking via a demonstration farm, a food hub, and a farm stand where products will be sold and SNAP payment accepted. Agricultural vocational training, employment opportunities, and entrepreneurial mentorship will be provided to developmentally disabled adults and veterans. The City of Phoenix used \$24K of EPA Brownfields grant funding to complete this project.

Brownfields / City of National City, CA: (FYI) on April 18, we'll attend a community event to celebrate transforming a former brownfield site into homes for hundreds of families, while protecting a nearby wetland and creating a new park. The City used a \$400,000 USEPA brownfields grant to assist with the remediation, adding over \$21M in redevelopment funds and leveraging an additional \$60M in State and other funds to complete the project. The project marks one of the largest investments and most significant increases in residential use in the City. We'll give you ample notice of an event next year: groundbreaking for the new park.

OW

Weekly Report

4/13/17

Administrator and company, here is the OW report.

Hot Issues

Waters of the US (WOTUS): Next week, we will host a Federalism consultation meeting for this rulemaking effort. We anticipate 18-20 representatives of national organizations representing state and local government officials to attend the meeting in person where they will receive an overview of the Agency's plans for a two-step rulemaking process and have an opportunity to share their insights on revising the current regulations consistent with the President's Executive Order. Following EPA's Federalism policy, the organizations will be asked to provide written comments within 60 days. In addition, we are planning to initiate Tribal consultation and anticipate providing the letter to do so for your signature as early as tomorrow. The first webinar is planned for April 27.

Water Infrastructure Financing and Innovation Act (WIFIA): This week, the open period to submit Letters of Interest (LOI), the first step of the application process to receive WIFIA funding, closed. **The program received 43 letters of interest from prospective borrowers seeking \$5.4 billion in credit assistance which will stimulate \$11.6 billion in total infrastructure investment.** The WIFIA program is a new federal loan and guarantee program at EPA that aims to accelerate investment in our nation's water by providing long-term, low-cost supplemental credit assistance for regionally and nationally significant projects. WIFIA credit assistance can be used for a wide-range of projects, from drinking water treatment to seawater desalination and drought mitigation to water recycling. We are working with OPA put out a press release marking the successful completion of this first stage of the program's implementation.

Upcoming Public Events

Assumable Waters Federal Advisory Subcommittee Meeting: Next week, the Assumable Waters Subcommittee will meet, via webinar, to finalize their recommendations to the National Advisory Council for Environmental Policy and Technology (NACEPT). This meeting will be the last opportunity to proffer recommendations to NACEPT regarding how the EPA can best clarify which waters a state or tribe assumes permitting responsibility for under an approved Clean Water Act section 404 program. This meeting is open to the public. Previous meetings have been covered by the press. Currently only two states, New Jersey and Michigan, have been delegated authority to issue section 404 permits. Recommendations from this subcommittee could influence the interest of other states in applying for program delegation.

Upcoming Major Decisions

Campus Rainworks Challenge Winners: On Friday, April 21, EPA is announcing the winners of the fifth annual Campus RainWorks Challenge, the only national college competition to engage the next generation to design solutions for stormwater pollution using green infrastructure. Interdisciplinary Teams of undergraduate and graduate students, working with a faculty advisor, developed innovative green infrastructure designs in one of two categories, showing how managing stormwater at its source can provide benefits for both the campus community and the environment. The 2016 challenge winners are: Kansas State University (1st Place Demonstration Project Category), City of College of New York (1st Place Master Plan Category, University of Maryland (2nd Place Demonstration Project Category), University of Cincinnati (2nd Place Master Plan Category). Events are planned in Regions 2 and 4.

Last Week Highlights

Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category (2015 Final Rule): This week we finalized a Federal Register Notice announcing our intent to administratively stay and delay certain compliance dates pending judicial review and to conduct notice and comment rulemaking with respect to staying the effective dates and/or the compliance dates of the Rule. This action was taken in response to petitions received by Utility Water Act Group and the U.S. Small Business Administration's Office of Advocacy. We also responded to petitioners, informing them of EPA's decision to reconsider the rule. Letters were also sent to the Governors and State Commissioners reminding states of the flexibilities available under the 2015 Final Rule for the States and EPA Regional Offices that issue National Pollutant Discharge Elimination System ("NPDES") permits.

**Region 6
Weekly Report
4/13/17**

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

Notice of Intent to prepare an Environmental Impact Statement – Midcontinent Supply Header Interstate Pipeline Project - On April 21, Region 6 intends to issue a comment letter regarding the Midcontinent Supply Header Interstate Pipeline Project. The project involves the construction and operation by Cheniere Midstream of about 218.4 miles of mainline and lateral natural gas pipeline and appurtenant facilities from Okarche to Bennington, Oklahoma and to lease approximately 353.0 miles of existing pipeline capacity.

West Odessa, Texas Tire Fire - EPA is participating in a Unified Command that has been established in response to a fire in West Odessa, Texas. The Unified Command partners include the Texas Commission of Environmental Quality, U.S. Environmental Protection Agency and Ector County. We are working with local and state emergency response personnel to address a fire that began April 9, 2017. Unified Command continues to work on extinguishing the fire on the hot spot, progress has been steady. Over 1000 yards of dirt has already been applied to suffocate the fire. Air monitoring continues around the perimeter and downwind of the fire.

CWA Compliance Evaluation and Follow-up Inspections at Oil & Gas facilities – El Dorado, Arkansas - On April 17 – April 21, EPA Region 6 Compliance Assurance and Enforcement Division inspectors will conduct compliance evaluation and follow-up inspections that will focus on determining whether oil and gas sites are in compliance with the CWA and evaluate the potential impacts produced wastewater has to Waters of the U.S near El Dorado, Arkansas. The inspections are not specifically targeted to the Energy Extraction NEI, however NEI facilities may be evaluated during the trip. The Arkansas Oil and Gas Commission is not delegated for NPDES so EPA routinely conducts these inspections. The State has been invited to participate in these inspections. Site visits will include follow up inspections at facilities to document compliance with administrative orders and evaluation of additional facilities for possible violations of the CWA. Final inspection reports will be prepared and then further review of the facilities will be initiated for potential enforcement action.

UPCOMING PUBLIC EVENTS

[[HYPERLINK "x-apple-data-detectors://9"](#)] – Slidell, LA is hosting a reuse groundbreaking ceremony for the construction of the Heritage Park Marina located on a portion of the Bayou Bonfouca Superfund Site.

[[HYPERLINK "x-apple-data-detectors://9"](#)] – Earth Day Texas. EPA Region 6 will host several booths at this annual event in Dallas. Administrator Pruitt is scheduled to speak on 21 April at one of the venues.

April 26 – Federal Laboratory Consortium for Technology Transfer (FLC) Annual Awards in San Antonio, Texas. The Technology Focus Award's 2017 recipient is EPA National Risk Management Research Laboratory for the efforts in water technology.

May 7-9 – Interstate Oil & Gas Compact Commission Business Meeting, Oklahoma City, OK – Region 6 Energy Advisor Lawrence is attending. EPA and IOGCC have a signed Memorandum of Understanding (MOU).

May 10 - Arkansas Environment Federation Clean Air Act Seminar. An EPA representative will sit on the expert panel.

July 27-28 – Children's Health Symposium at University of Texas at El Paso. EPA is sponsoring the event

UPCOMING DECISIONS

Region 6 intends to approve the City of Albuquerque's (COA) Exceptional Events demonstration package for an exceedance of PM10 ambient air standards (NAAQS) on May 7, 2017. The demonstration was submitted to EPA on October 4, 2016. The affected monitor is the South Valley monitor (35-001-0029) located in Albuquerque, Bernalillo County, New Mexico, with a population of about 600,000. The demonstration described a High Winds Dust Event (i.e., sustained wind speeds above 25 mph for at least 1 full hour) occurred at the monitor location and that the human activities contributing to the exceedance were reasonably controlled.

Region 6 intends to issue a direct final approval of the Texas Revisions to Emissions Banking and Trading Programs and Compliance Flexibility State Implementation Plan (SIP). This direct final action will address the revisions to the Texas Emission Credit, Mass Emissions Cap and Trade (MECT), Discrete Emission Credit (DEC), and Highly Reactive Volatile Organic Compound Emissions Cap and Trade (HECT) programs that were submitted to the EPA on July 15, 2002; December 22, 2008; April 6, 2010; May 14, 2013; and August 14, 2015, where the EPA has not yet taken an action on such revisions. This direct final action also addresses another method for compliance flexibility for stationary sources using the Texas Emission Reduction Plan as submitted to the EPA on July 15, 2002; May 30, 2007; and July 10, 2015. This action will address 11 backlogged SIP actions.

Region 6 intends to propose full approval of Louisiana's Regional Haze State Implementation Plan (SIP) for publication in the Federal Register. EPA will defer its decision on Best Available Retrofit Technology (BART) for the Nelson power plant to allow Louisiana additional time to evaluate source controls and provide a revision to the SIP.

Region 6 intends to approve several portions of revisions to the Oklahoma Minor New Source Review (NSR) State Implementation Plan – Air Permit Procedure Revisions, in the Federal Register. The approved portions include (1) minor source rules of practice and procedure; (2) annual operating permit fees; (3) general provisions; and (4) permitting requirements. This proposed approval was published for comments on November 29, 2016 and one comment was received. That comment and our response is incorporated into the Federal Register notice of final action. This final action updates Oklahoma's Minor NSR SIP as requested by Oklahoma.

PAST WEEK ACCOMPLISHMENTS

EPA approved the Federal Register Notice that proposes the general permit for the Outer Continental Shelf - When published in the Federal Register, this will begin a 60-day comment period. The current permit expires September 30, 2017 and covers approximately 3,000 facilities. Avoiding a lapse in permit will allow operators to continue oil and gas exploration in the Gulf.

The Louisiana Military Department (LMD) reported that the final burn of over 15.6 million pounds of unstable propellant stored in the bunkers on Camp Minden was completed on April 12, 2017. EPA, working closely with the State of Louisiana and the citizens around Camp Minden, was able to ensure the safe destruction of the dangerous material. Full completion of wrap up activities will take a few additional months. This work includes but is not limited to the cleanup of the CBI disposal area and restoring the site to a safe and stable condition.

Court Enters Consent Decree with City of Tyler, Texas - On April 10, 2017, United States Magistrate Judge John D. Love from the United States District Court for the Eastern District of Texas entered the Consent Decree resolving the liability of the City of Tyler, Texas, under the Clean Water Act. Under the Consent Decree signed by the city as well as representatives from the U.S. Environmental Protection Agency, the U.S. Department of Justice, and the state of Texas, the city will make significant upgrades at an estimated cost of \$65 million over the next 10 years to reduce overflows from its sanitary sewer system. In addition, the city will pay a \$563,000 civil penalty to resolve the Clean Water Act violations stemming from illegal discharges of raw sewage. The state of Texas, a co-plaintiff in this case, will receive half of the civil penalty. Under the terms of the Consent Decree, the city must comprehensively assess and improve its sewer system's physical condition by repairing or replacing damaged assets within a certain time period after their discovery. The city must also analyze sewer system capacity using an updated hydraulic model and undertake a tailored program to implement detailed capacity management, operation and maintenance procedures. The city will keep the public directly informed of

its progress when complying with the Consent Decree by creating a public document repository on the city's website, where it is required to post any report required by the Consent Decree and all final EPA-approved plans. The city must also consider, among other things, the location of past sanitary sewer overflows in low income or minority communities when prioritizing the sequence for certain cleaning or remedial work.

PENDING ACTIONS

- Oklahoma; Infrastructure and Interstate Transport for the 2012 Fine Particulate Matter and Interstate Transport for the 2010 Sulfur Dioxide National Ambient Air Quality Standards
- Arkansas Regional Haze Reconsideration FR Notice and Letter **(Urgent)**
- Western Gulf of Mexico General Permit Renewal for the Outer Continental Shelf **(Urgent)**
- Coastal General permit for Texas **(Urgent)**
- Stripper Wells General Permit for Texas **(Urgent)**
- INVISTA UIC No Migration Petition for nine underground injection wells, Victoria, Texas